

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NOEL WAITE,

Plaintiff,

vs.

CLARK COUNTY COLLECTION SERVICE,
LLC,

Defendant.

2:11-cv-01741-LRH-VCF

**ORDER SCHEDULING HEARING
REGARDING POSSIBLE COURT-
APPOINTED EXPERT WITNESS**

Before the Court is the matter of *Noel Waite v. Clark County Collection Service, LLC* (Case No. 2:11-cv-01741-LRH-VCF).

On May 29, 2012, Plaintiff Noel Waite filed the Motion for Attorney's Fees and Costs (#13). On June 15, 2012, Defendant Clark County Collection Service, LLC filed the Opposition to Plaintiff's Motion for Attorneys' Fees and Costs Pursuant to Acceptance of Offer of Judgment and Counter Motion for Referral to State Bar of Nevada (#14 and #15). On June 25, 2012, the Honorable Larry R. Hicks referred Plaintiff's Motion for Attorney Fees (#13) to the undersigned. This referral, pursuant to LR IB 1-4 and 28 U.S.C. § 636(b)(1)(B), designates the undersigned to conduct hearings, including evidentiary hearings, and to submit to Judge Hicks proposed findings of fact and recommendations for disposition of the motion. On July 11, 2012, attorney Sergei Lemberg filed the Verified Petition for Permission to Practice Pro Hac Vice (#18). A response to the Verified Petition was filed on July 12, 2012 (#19) and the reply was filed on July 13, 2012 (#20). The Honorable Judge Larry R. Hicks referred the Verified

1 Petition for Permission to Practice Pro Hac Vice to the undersigned Judge on July 25, 2012 (#23). On
2 July 26, 2012, the undersigned set an evidentiary hearing on September 24, 2012 for Plaintiff's Motion
3 for Attorney Fees (#13), Defendant's Counter Motion for Referral the State Bar of Nevada (#15), and the
4 Verified Petition to Practice Pro Hac Vice filed by Sergie Lemberg (#18). The Reply in Support of the
5 Motion for Attorneys' Fees and Costs and Opposition to Defendants' Countermotion for Referral to the
6 State Bar of Nevada was filed on August 6, 2012 (#25). Defendant's Reply in Support of its
7 Countermotion is due September 10, 2012.

8 Having reviewed the file, the undersigned Magistrate Judge is contemplating appointing Nevada
9 Bar Counsel, David Clark, as an expert witness in this case.


10 Pursuant to Federal Rule of Evidence 706,

11 IT IS HEREBY ORDERED that a hearing is set for 3:00 p.m., September 4, 2012 in courtroom
12 3A for the following purposes:

- 13 1. For the parties to show cause why the proposed expert witness should not be appointed.
14 FRE 706(a);
- 15 2. To determine the proposed expert witnesses duties;
- 16 3. Address any other issues relating to the pending motions and the possible participation of
17 David Clark as an expert witness in this case.

18 IT IS FURTHER ORDERED that the parties and counsel may attend the hearing in person or
19 telephonically. The call in number is 1-702-868-4911 and the passcode is 123456.

20 DATED this 23rd day of August, 2012.

21 
22 CAM FERENBACH
23 UNITED STATES MAGISTRATE JUDGE
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